


City of Alexandria, Virginia

MEMORANDUM

DATE: AUGUST 31, 2020

TO: GLORIA SITTON, CITY CLERK
OFFICE OF THE CITY CLERK AND CLERK OF COUNCIL

THRU: KARL W. MORITZ, DIRECTOR
DEPARTMENT OF PLANNING & ZONING

FROM: LAURENCE ALTENBURG, CHAIR
BOARD OF ZONING APPEALS 

SUBJECT: FY 2020 BOARD OF ZONING APPEALS ANNUAL REPORT

I am pleased to present this Annual Report for the Board of Zoning Appeals (BZA) for Fiscal Year 2020, as required by City Code section 2-4-7(i)(1). An attendance form is also attached. BZA members who missed hearings had excused absences.

The BZA is appointed by City Council and performs duties as specified under Section 15 of the State Code and Chapter 9 of the City Charter and Article 11 of the City's Zoning Ordinance. The BZA is charged with hearing and deciding Variances, Special Exceptions, and Appeals of Determinations by the Director of the Department of Planning & Zoning.

Summary of Board Activities for Fiscal Year 2020 (July 1, 2019 – June 30, 2020)

FY 2020		FY 2019	
Variance Cases	5	Variance Cases	7
Special Exception Cases	4	Special Exception Cases	6
Appeals and Finding of Facts	1	Appeals and Finding of Facts	1
Total Cases	10	Total Cases	14

FY 2019 provided for comparison

The Board of Zoning Appeals (BZA) considered a total of 5 applications for Variances, 4 Special Exceptions, and 1 Appeals and Finding of Facts in Fiscal Year 2020. It approved 8 cases, denied 1 Variance case, and affirmed the Director of Planning & Zoning's determination on the Appeal and Finding of Facts application. The total number of cases decided by the BZA decreased by 28.5 percent from FY 2019 to FY 2020. Variance cases and Special Exception Cases decreased while Appeals and Finding of Facts remained constant.

The following case studies from FY 2020 illustrate various complex issues that the BZA addressed:

Case Study: BZA #2019-00016, 310 Commerce Street

In January, the Board upheld the staff recommendation of denial for a variance request to provide access to parking from Commerce Street, rather than from an alley or interior court as required in the Old and Historic Alexandria District. The Board found the request to be contrary to the intent of the ordinance. While the block has a number of properties with curb cuts to provide access from Commerce Street, those properties are more recent developments. A majority of the historic properties on the block either provide access from an alley or do not provide off street parking.

Case Study: BZA #2020-00006, 413 North Washington Street

In June, the Board upheld the staff recommendation to approve variances for lot area, lot frontage, front yard setback, side yard setbacks, rear yard and open space to revert the existing building back to its original residential use. The lot was subdivided in the 1970's while the property was being used commercially and located within a different zone that no longer exists. Since the property was rezoned to CL on June 24, 1992, as a part of the City's comprehensive rezoning, there have been no changes to the configuration of the property. The Board approved a similar case in FY2020. A text amendment is proposed to expand the current residential reversion criteria to include properties where there has been no increase in the degree of noncompliance for a residential use while the property was used commercially, since it was last used residentially or June 24, 1992, whichever is more recent.

Membership and Attendance

City Council re-appointed Laurence Altenburg to the BZA on October 22, 2019. Then at its January 13, 2020 Board of Zoning Appeals Public Hearing, the Board re-appointed Laurence Altenburg as Chair, Mark Yoo as Vice Chair, and Lee Perna as Board Secretary. On October 22, 2019, the City Council appointed Quynn Nguyen to the BZA. Ms. Nguyen took her Oath of Office on November 4, 2019 and attended her first BZA Public Hearing on January 13, 2020. Timothy Ramsey's term expired on April 12, 2020. Accordingly, on June 9, 2020, the City Council appointed Jon Wacławski to the BZA to replace Mr. Ramsey. Mr. Wacławski took his Oath of Office on July 1, 2020. Currently, there are no vacancies on the BZA. Absences were excused by the Chair. The membership and attendance reports for the BZA is included in Attachment 1.

In FY 2020, the BZA held 4 public hearings. There were 7 cancelations due to various reasons, including 4 cancelations due to lack of cases, 1 due to a lack of quorum, and 2 due to Covid-19.

The June 8, 2020 hearing was a Virtual Hearing. Due to the COVID-19 Pandemic emergency, June 8, 2020, public hearing was held electronically with BZA board members and staff participating from remote locations through Zoom Webinar. The virtual public hearing was held pursuant to Virginia Code Section 2.2-3708.2(A)(3), the Continuity of Government ordinance adopted by the City Council on April 18, 2020, or

Sections 4-0.00(g) in HB29 and HB30 to undertake essential business. The meeting was accessed by the public through Zoom, broadcasted live feed on AlexTV (Comcast Channel 70), and streamed on the City's website. Public comments were received at the meeting. The video and audio recording were posted the day after the hearing.

Additionally, at its June 8, 2020, BZA Public Hearing, the Board voted to approve the Electronic Participation Policy for Board of Zoning Appeals Hearings. The policy became effective on June 8, 2020.

ATTACHMENT 1

**CITY OF ALEXANDRIA
BOARDS AND COMMISSIONS
MEETING ATTENDANCE REPORT**

JULY 1, 2019 THROUGH JUNE 30, 2020

COMMISSION: Board of Zoning Appeals (BZA)

CHAIRPERSON: Laurence Altenburg

	2019						2020					
Board Member	Jul 8	Aug	Sep 9	Oct 7	Nov 11	Dec 9	Jan 13	Feb 10	Mar 16	Apr 13	May 11	Jun 8
Laurence Altenburg, Chair	X	Recessed	X	Canceled	Canceled	Canceled	X	Canceled	Canceled	Canceled	Canceled	X
Erich Chan	X		X				X					X
Quynn Nguyen	n/a		n/a				X					X
Lee Perna, Secretary	X		X				X					X
Daniel Poretz	E		E				X					X
Timothy Ramsey	X		X				X					n/a
Mark Yoo, Vice Chair	E		X				X					X

INDICATE: X - FOR PRESENT E - FOR EXCUSED U – FOR UNEXCUSED

Notes:


1. The BZA was in recess during August.
2. Cancellations: October 7, November 11, December 9, 2019, and February 10, 2020, hearings were canceled due to lack of application submissions; March 16, 2020, hearing was canceled due to a lack of quorum; and April 13 and May 11, 2020 hearings were canceled due to Covid-19.
3. June 8, 2020, hearing was a Virtual Hearing.
4. On October 22, 2019, City Council appointed Quynn Nguyen to the Board of Zoning Appeals; Ms. Nguyen took the Oath of Office on November 4, 2019.
5. Timothy Ramsey's term expired on April 12, 2020.
6. On June 9, 2020, City Council appointed Jon Waclawski to the Board of Zoning Appeals. Mr. Waclawski took the Oath of Office on July 1, 2020.

LIST OF THOSE WHO DID NOT ATTEND 75% OF MEETINGS:

N/A**

** All absences were excused and therefore not counted per Section 2-4-7(i)(2) of the City of Alexandria's Charter and Code.

APPROVED:



Laurence Altenburg, Chair